

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

PAUL S. HENDERSON,	)	CASE NO. 1:09 CV 1215
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	<u>MEMORANDUM OF OPINION</u>
	)	<u>AND ORDER</u>
LOU BRUDMAK, et al.,	)	
	)	
Defendants.	)	

On May 28, 2009, plaintiff pro se Paul S. Henderson, an inmate at the Cuyahoga County Jail, filed this in forma pauperis civil rights action against Lou Brudmak, Gerald T. McFaul, and Judge Stuart A. Friedman. The complaint appears to challenge plaintiff's current incarceration, and asserts his confinement constitutes kidnapping. For the reasons stated below, this action is dismissed without prejudice.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Henderson has on at least four occasions filed a civil action failing to state a claim in this court. See, Henderson v.

Friedman, 1:04 CV 483; Henderson v. Chuck Brown Bail Co., No. 1:99 CV 2319; Henderson v. Jones, No. 1:95 CV 1816; and, Henderson v. Adult Parole Authority, 1:91 CV 2059. Thus, as the complaint in the instant action does not contain allegations reasonably suggesting he is in imminent danger of serious physical injury, Henderson may not proceed in forma pauperis. See Ritter v. Kinder, No. 06-4472, 2008 WL 3889860 (6th Cir. Aug. 20, 2009).

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

  
DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE